

1 knowledge that you have of certain events onto the record.
2 I want you to answer obviously as fully and completely as
3 possible. If you do not understand a question I ask, just
4 let me know and I'll rephrase. I'm sure you're aware that
5 you can't just nod your head or shake your head, and cannot
6 also use uh-huh, uh-uh type of answers, that you must use
7 actual verbal answers.

8 Could you, I guess, please state your name and
9 address for the record?

10 A My name is Rosalind Makris, I live at [REDACTED]
11 [REDACTED]

12 Q Just as a way of background, can you tell us your
13 educational background?

14 A I went to high school in Massachusetts. I got a
15 B.A. Degree at San Francisco State in English, and I've been
16 a court reporting student for a number of years.

17 Q Are you familiar with Ms. Cynthia Hamilton?

18 A Yes.

19 Q How do you know her?

20 A She's my friend. Initially we met when she moved
21 into the apartment building that I was living in at that
22 time.

23 Q How long have you known her?

24 A Oh boy, I was afraid you'd ask. I can't remember,
25 it was eighty something.

1 Q You've known her probably at least a decade?

2 A Oh yeah.

3 Q And been friends with her really that whole time?

4 A Right.

5 Q Okay. I'm going to focus your attention then to
6 January 23, 1996. Did you have a discussion with her on
7 that particular day about anything that transpired at her
8 office?

9 A Well, I have no idea what the date was. We had
10 had conversations about what was transpiring at her office.
11 There was some of what she considered, I guess, ineptness on
12 the part of at least one of the people that worked in her
13 office, I think she considered him her boss, his name was
14 Terry.

15 Q And is that Terry Easton?

16 A Yes. And but I don't know what the date was.

17 Q All right. Let me see if I can help you establish
18 the date. Was there a date where you went with her to the
19 office after she had resigned from the office?

20 A Yes.

21 Q And if I told you that Ms. Hamilton has stated
22 that that was January 24th, would that help refresh your
23 recollection as to what day maybe she first told you that
24 there were problems in her office?

25 A She had been telling me on an ongoing basis that

1 there were problems in the office. And the date that I went
2 with her to the office was a day or two after she'd
3 resigned, whenever that was. And it was in the early part
4 of the year, it was in wintertime, I know that. So, it may
5 very well have been the date that you're talking about, I
6 don't disagree with that.

7 Q So, there were problems, prior to the time she
8 resigned, in the office with Mr. Easton?

9 A Yeah, just general dissatisfaction and discomfort
10 and frustration.

11 Q Did she ever talk to you that she had concerns
12 that Mr. Easton was misrepresenting facts or lying to a
13 federal agency?

14 A I don't remember that specifically before the time
15 that I was with her at the office.

16 Q On the day you went with her to the office, did
17 you know at that time you were going to be going with her to
18 the office?

19 A Yes.

20 Q Did she tell you why she wanted you to go with
21 her?

22 A Yes.

23 Q What did she say?

24 A I don't remember specifically what she said but
25 the understanding was that I was going with her as back-up,

1 witness, protector.

2 Q At that time did you know that she had resigned?

3 A Yes.

4 Q Did she tell you why she had resigned?

5 A Yes.

6 Q What did she say?

7 A The only thing I remember specifically is it had
8 to do with him falsifying records or falsifying information
9 to the FCC, having to do with an extra zero or two or three,
10 I don't remember that part.

11 Q Did she ever, at this time, express to you any
12 concerns that she was going to get blamed for problems at
13 the office?

14 A Absolutely.

15 Q What did she say about that?

16 A To the effect that he was inclined to blame her,
17 or at least lie to keep from accepting, or to keep the blame
18 from falling on him. And that she was probably the most
19 likely candidate.

20 Q Did she express to you whether she had done
21 anything to verify whether or not she had done anything
22 wrong?

23 A This is, in my mind, as far as I'm concerned, this
24 is beginning to get a little technical. There was something
25 about she had -- she had been having him sign something all

1 along, when something happened, I don't know what, and that
2 there were some papers to verify that he had falsified these
3 records, papers that she had, that he didn't know she had,
4 and so she had that for her own proof that she was not to
5 blame.

6 Q Now, on the day you went with her to the office,
7 who at the office did she speak with?

8 A Quentin.

9 Q And is that Quentin Breen?

10 A Right, I guess.

11 Q Did she speak with anybody else other than just a
12 passing hello or anything, I mean did she actually sit down
13 and talk to anybody else?

14 A She disappeared in another office with someone,
15 and I think it had to do with getting a paycheck, so this
16 must have been the accounts payable, I'm assuming it was the
17 accounts payable person, whoever that was.

18 Q And then when you said disappeared into another
19 room, that was without you?

20 A Right.

21 Q Okay. Did she go to the office for the purpose of
22 seeing Mr. Breen?

23 A I don't remember, mostly because she probably
24 would not have any way of knowing that he was going to be
25 there at that particular time. I think she went more

1 specifically to get a check or to clean out her desk or
2 something like that.

3 Q Did you actually go into Mr. Breen's office?

4 A Yes.

5 Q And it was just the three of you?

6 A Right, or whatever office -- there were three of
7 us in an office at that time.

8 Q What did Ms. Hamilton have to say to Mr. Breen, if
9 anything?

10 A She -- the only thing I think I can remember
11 specifically is that she told him that Terry had falsified
12 records, had falsified whatever these -- whatever this was.

13 Q Are you done with your answer?

14 A Yeah, for now.

15 Q Did Mr. Breen seem surprised by this?

16 A No.

17 Q What was his reaction?

18 A Sort of lack of surprise, it was just sort of --
19 not something that he was necessarily expecting to hear, but
20 sort of he wasn't surprised, he didn't seem surprised.

21 Q How long did this conversation last in Mr. Breen's
22 office, or in the office with the three of you?

23 A No more than 15 minutes, probably not even that
24 long.

25 Q Were Ms. Hamilton's words clear or was what she

1 was trying to convey clear?

2 A It was very -- she was very specific in that she
3 told Quentin that Terry had falsified whatever these records
4 were. She may have mentioned the thing about the zeroes,
5 I'm not sure if that's my input, but that's all I remember,
6 you know, about the technical part of it. But, she was very
7 clear telling Quentin that Terry had falsified that, I
8 remember that word. And she very probably used the word
9 "lied".

10 Q Do you recall if she mentioned anything about the
11 falsified documents being sent to the FCC or the Federal
12 Communications Commission?

13 A I'm pretty sure she didn't.

14 Q She didn't?

15 A I walked out of there with a conscious thought
16 that there was something she didn't tell him, and that was
17 real clear in my mind, and I'm pretty sure that that was it.

18 Q Did she say what Mr. Easton had done with the
19 falsified documents?

20 A If she did, it wasn't something that I understood,
21 or maybe the fact that I didn't understand it is why I don't
22 remember.

23 Q Did you ever discuss with her, after this meeting
24 in Mr. Breen's office, whether there was something she
25 didn't tell Mr. Breen?

1 A I don't remember if we discussed that
2 specifically. I mean it was something that was obvious to
3 me and clearly obvious to her, and it was something that
4 didn't need discussion. I mean it made sense to me why she
5 didn't tell him, and so, you know, we didn't need to talk
6 about it.

7 Q And in your mind why did it make sense that she
8 didn't need to tell him?

9 A Because she probably didn't know exactly where he
10 stood on the issue, where his loyalties, for want of a
11 better word, might be. And if she told him that she had
12 "turned Terry in", I don't know what his reaction would have
13 been, and I don't know, I'm pretty sure she wouldn't have
14 known.

15 Q At this point, in this time of January 1996, were
16 you aware of any business relationship between Mr. Breen and
17 Mr. Easton, did you know if they were business partners?

18 A All I knew was that they worked for the same
19 company and that I didn't know titles.

20 Q Now, you mentioned something about in her words
21 "turned Terry in", can you explain to me what you meant by
22 that?

23 A Actually, those are sort of more my words.

24 Q Oh, I'm sorry.

25 A Well, that the fact that she phoned the FCC to

1 inform them of this whole error that had taken place, and
2 that Terry had falsified the records.

3 Q When you were speaking with Mr. Breen, you were
4 aware of the fact that she had called the FCC?

5 A Yes.

6 Q Do you know whether or not the FCC had actually
7 ended up calling her back the following day?

8 A I don't remember if it was the following day, I
9 know the FCC was in contact with her.

10 Q Do you know if your meeting with Mr. Breen was
11 before or after the FCC was in contact with her again?

12 A I don't know.

13 Q Did Mr. Breen make any statement, anything to the
14 regard about that as something we'll look into or that is
15 something that is being handled, anything like that?

16 A Those two quotes that you just used are --
17 whatever he said was as innocuous as that.

18 Q Was this your only time where you saw Mr. Breen?

19 A Yes.

20 Q Did you see Mr. Easton that day?

21 A No. There was a room, there was an office, a
22 glass walled office where there were a number of people
23 sitting around sort of a conference table, and I don't know
24 who they were.

25 Q She didn't point out anybody and say that's Terry?

1 A No. She didn't even look in the room, she just --
2 and Quentin got up, left that room to come and talk to her.

3 Q Was it a difficult decision for her to decide to
4 resign?

5 A I think it was.

6 Q Is Ms. Hamilton a religious person, to your
7 knowledge?

8 A To a degree.

9 Q Do you consider her honest and trustworthy?

10 A Yes, yes.

11 Q Have you ever -- has she gained anything in any
12 way from this entire set of sequences?

13 A Absolutely not that I can think of.

14 Q And it actually appears as though she's probably
15 lost a lot?

16 A For sure, especially from what I've heard in the
17 past week or so, that he's -- or that her bank account has
18 been sort of fooled with and she's assuming that he may have
19 had something to do with that. The events sort of cross out
20 any other -- anybody else. So, it seems like an ongoing
21 thing, this is just --

22 Q Do you know if she's ever gone by a different
23 name?

24 A Yes.

25 Q And what is that different name?

1 A Oh God, I can't even remember.

2 Q Is it like Hackey, Hachey?

3 A Yeah, Hachey.

4 Q Hachey. Do you know why -- did she change her
5 name to Hamilton?

6 A She did.

7 Q Do you know why she did that?

8 A I don't remember.

9 Q When you left Mr. Breen's office, did she say
10 anything about Mr. Breen's reaction?

11 A I don't remember that either.

12 Q Since she left the company, after that one meeting
13 with Mr. Breen that you were in with, do you know if she had
14 any further contact with Mr. Breen?

15 A I don't think so but I'm not certain.

16 Q At this point, or even from last January until the
17 current period, how often are you in contact with Ms.
18 Hamilton?

19 A Oh, I'd say probably once a week, sometimes more,
20 sometimes less.

21 Q Do the circumstances surrounding her leaving her
22 job working for Mr. Easton come up often in your subsequent
23 discussions?

24 A No, they didn't come up for a long time. In fact,
25 I was thinking this morning, she had -- initially she had

1 mailed me a copy of the same papers that she sent to the
2 FCC, just in case, so, for whatever I don't know. And when
3 I received them in the mail, for this same sort of
4 mysterious just in case reason, I didn't open them. I
5 figured at that time there may come a time when this can act
6 as verification for something, I don't know what, so I
7 didn't open them. And it occurred to me this morning that
8 there was so nothing for so long a period of time that I had
9 thrown the envelope away a few months ago. And now suddenly
10 it's all coming up again.

11 Q Did she say, ever express to you that she actually
12 like feared for her life?

13 A I don't know that she said she feared for her
14 life, but even when I was hearing it, it just sounded so
15 creepy, it was just kind of a scary situation because there
16 was no telling what he might have done or had done, or -- it
17 was scary.

18 Q Did Mr. David Wilson, or anybody from his firm
19 ever contact you regarding the sequence of events which
20 would have been some time early in February 1996?

21 A Someone did, but I don't remember the name.

22 Q And I believe you told me previously you were
23 interviewed over the phone, is that correct?

24 A Yes.

25 Q Did the interviewer seem to be interested in your

1 knowledge of the facts, or did the interviewer seem to have
2 a set agenda by which he was trying to slant your answers?

3 A From what I can remember he asked questions and I
4 answered them as best I could. I mean it didn't feel any
5 different than this does.

6 Q Can you recall approximately how long that
7 discussion took?

8 A Fifteen minutes, give or take.

9 Q In that meeting with Mr. Breen, can you recall if,
10 in addition to Ms. Hamilton telling Mr. Breen that Terry was
11 falsifying documents, do you -- I guess you also said he may
12 have added a zero -- do you recall her using any words such
13 as "Terry screwed up"?

14 A Probably.

15 Q The reason I bring that up, in the independent
16 counsel report you were reported as saying that that was
17 perhaps -- that was the gist of her words was that "Terry
18 screwed up", do you recall, is that accurate?

19 A I think it is. And I'm thinking back on what
20 transpired, I think initially there was an error and not
21 specifically Terry setting out to do something nefarious, I
22 think it started out as an error but the covering up that
23 error, instead of trying to fix it or explain it or
24 something, is where Terry falsifying records came into play.

25 MR. WEBBER: Thank you. I think that's all the

1 questions I do have for you.

2 THE WITNESS: Okay.

3 MR. WEBBER: I appreciate your time. We can go
4 ahead and go off the record now.

5 (Thereupon, the deposition of Rosalind Makris was
6 concluded.)

7
8 I have read the foregoing pages 1 through 17,
9 and they are a true and accurate record of my
10 testimony therein recorded, and any changes and/or
11 corrections appear on the attached errata sheet
12 signed by me.

13

14

15 ROSALIND MAKRIS

16

17 Subscribed and sworn to before me

18 this ____ day of _____, 199_

19

20

21 Notary Public

22 My Commission expires: _____

23

CERTIFICATE OF REPORTER

I, Margaret Harris, an Electronic Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing Federal Communications Commission, Deposition, was reported by me and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties in this matter, nor in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of February, 1997.

Margaret Harris
Margaret Harris
OFFICIAL REPORTER





BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

- - - - - x

In Re Application of: :

WESTTEL SAMOA, INC., : WT Docket No. 97-199
and WESTTEL, L.P.,
For Broadband Block C :
Personal Communications
Systems Facilities :

- - - - - x

TO: Honorable Arthur I. Steinberg

Wednesday, December 10, 1997

Washington, D.C.

Deposition of

JAVIER O. LAMOSO

a witness, called for examination by counsel on
behalf of the Quentin L. Breen, pursuant to
notice, taken in the law offices of BELL, BOYD &
LLOYD, 1615 L Street, N.W., Suite 1200,
Washington, D.C. 20036-5610, beginning at 12:15
o'clock p.m., before William L. Finley, a
Verbatim Reporter and Notary Public in and for
the District of Columbia at Large, when there
were present on behalf of the respective
parties:

A.L. & F. Reporting Service, Inc.

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Washington, D.C. 20006
(202) 783-0116

1 comments in the course of the telephone
2 conference call with Mr. Breen, Mr. Easton, you,
3 Mr. Martinez and others held after learning --
4 after your telephone conversation with Ms.
5 Hamilton; is that correct?

6 A I wouldn't know.

7 Q This was not a comment that Mr. Breen
8 -- The comment you attribute to Mr. Breen in
9 your transcript is not a comment he made on the
10 telephone conference call with you and Mr.
11 Martinez and Mr. Easton; is that correct?

12 A That's correct.

13 Q It was made sometime after that
14 telephone conference call; correct?

15 A Correct.

16 Q Sometime after you were in San Mateo;
17 is that correct?

18 A Correct.

19 Q Sometime after the independent counsel
20 had begun its investigation?

21 A Probably.

22 (The item referred to below was
23 marked for identification as

1 Q Now, I want to ask you about a comment
2 that you made about Mr. Breen's involvement with
3 the preparation of the waiver request, which I
4 think you attested to would have occurred
5 between the time you found out about the bidding
6 error, January 23rd, and the date that it was
7 sent out, January 26th. You, as I remember from
8 your testimony, said that Mr. Breen was there
9 during this preparation?

10 A Yes.

11 Q What was the extent of Mr. Breen's
12 involvement with the preparation of that waiver
13 request?

14 A He must have seen it. I'm pretty sure
15 he must have seen it prior to signing. But I
16 would say that it was mostly done in Wilkinson
17 Barker. Perhaps there was input from him, but,
18 at that point in time, I was travelling, so I
19 don't know. I mean, when I got there on
20 Thursday -- He might have had more input before
21 that and I wouldn't know.

22 Q Did you hear him make any comments
23 about the waiver request or have any

1 suggestions?

2 A Personally, no, I cannot say.

3 Q Now, moving on to the management
4 meeting that occurred on Friday, January 26th.
5 How would you characterize that meeting? Was it
6 formal? Was it informal?

7 A I would say informal, I guess.
8 Informal.

9 Q Were people going in and out of the
10 meeting room?

11 A Yes.

12 Q And what, again, was the main topic of
13 conversation at the management meeting?

14 A I think, at that time, it was
15 marketing, strategizing products and how -- you
16 know, theorizing a little of how it would be,
17 the marketplace, with six different operators.
18 Perhaps technology was involved. I'm not sure.

19 Q Did you speak to Mr. Breen that
20 afternoon at the management meeting about the
21 bidding error?

22 A I'm sorry; could you repeat the
23 question?



FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re:)
)
WESTTEL SAMOA, INC.,) Docket No.: WTB/ENF 97-0720
and WESTTEL, L.P.)

Deposition of:

JAVIER LAMOSO

a witness of lawful age, taken on behalf of the FCC,
pursuant to notice, in the offices of the Federal
Communications Commission, Fifth Floor Conference Room,
2025 M Street, Northwest, Washington, D. C., 20554, on
Thursday, February 20, 1997, at 10:05 a.m., before Shari R.
Bowman-Acosta, Notary Public in and for the District of
Columbia when were present:

APPEARANCES:

On behalf of Federal Communications Commission:

JOSEPH PAUL WEBER, ESQ.
ROBERT CANNON, ESQ.
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, Northwest
Washington, D.C. 20554
(202) 418-1317

1 Q And was that done for all of the first 10 rounds?

2 A I think most of them. To the best of my
3 recollection, yes. They were faxed the night before, yes.
4 Or even, I have to say, or even if they were not faxed the
5 night before, they would -- it would be faxed to me the same
6 date before the withdrawal period.

7 Q I'm sorry? The same day?

8 A The same day that they had been submitted. If
9 there was a time constraint for some reason, it would be
10 sent to me that, say, day before the withdrawal period so I
11 could review it and just have another person, another two
12 eyes looking at what we were submitting.

13 Q Now, let's talk about the round 11 bid on January
14 23rd.

15 Were those bids shown to you prior to being
16 submitted to the Commission?

17 A No, they weren't.

18 Q Is there a reason why not?

19 A I learned later that it had been left, they had
20 not done it the night before. Mr. Breen wasn't there, Mr.
21 Easton was the only one there. And basically since, since
22 we were just doing minimum bids at that point, and we were
23 not even focusing in the markets that we were really
24 interested, we were being -- we were focusing on the east to
25 keep the west soft, which is what we really wanted, the